

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**ANTHONY BRIAN WILLIAMSON
ADC #109343**

PETITIONER

v.

Case No. 4:20-cv-00841-KGB

DEXTER PAYNE

RESPONDENT

ORDER

Before the Court are the proposed findings and recommendations submitted by United States Magistrate Judge Joe J. Volpe (Dkt. No. 10). Petitioner Anthony Brian Williamson has filed a motion for reconsideration of order denying discovery and appointment of counsel and written objections to the Magistrate's order denying stay and proposed findings and recommendations to dismiss petition for writ of habeas corpus (Dkt. No. 13). Also before the Court are a motion for order, motion for leave to proceed *in forma pauperis*, and a motion for discovery filed by Mr. Williamson (Dkt. Nos. 14-16). After careful consideration of the proposed findings and recommendations, the objections, and a *de novo* review of the record including but not limited to all of Mr. Williamson's filings, the Court concludes that the proposed findings and recommendations should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects (Dkt. No. 10).

Mr. Williamson, an inmate in the Arkansas Division of Corrections, filed a petition for writ of *habeas corpus* under 28 U.S.C. § 2254 (Dkt. No. 2). In this petition, Mr. Williamson alleges that newly discovered evidence demonstrates that law enforcement and other entities engaged in a conspiracy to manufacture evidence used to convict Mr. Williamson. Previously, in 2012, Mr. Williamson filed a *pro se* petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2254 that was dismissed with prejudice on the grounds that it was not timely filed. *Williamson v. Hobbs*, Case


No. 5:12cv000437-JVV. The district court and the Eighth Circuit Court of Appeals denied a certificate of appealability in that prior case.

Pursuant to 28 U.S.C. § 2244(b), this Court lacks jurisdiction over Mr. Williamson's current petition because it is a second or successive *habeas* petition for which Mr. Williamson has not received authorization from a federal court of appeals prior to filing, based on the record before the Court. If Mr. Williamson wishes to pursue relief, he must first obtain permission from the Eighth Circuit to file a second or successive petition. Nothing asserted by Mr. Williamson in his current filings causes this Court to reconsider the proposed findings and recommendations. Because this Court lacks jurisdiction over Mr. Williamson's current petition as it is a second or successive petition for which Mr. Williamson has not received authorization from the Eighth Circuit to file, the Court dismisses without prejudice Mr. Williamson's current petition and denies as moot Mr. Williamson's remaining pending motions.

For these reasons, the Court adopts the proposed findings and recommendations in their entirety as this Court's findings in all respects (Dkt. No. 10). Therefore, it is ordered that:

1. Mr. Williamson's petition for writ of *habeas corpus* is dismissed without prejudice due to this Court's lack of jurisdiction over Mr. Williamson's second or successive *habeas* petition.
2. The Court denies as moot Mr. Williamson's remaining pending motions (Dkt. Nos. 13-16).

So ordered this 15th day of March, 2021.



Kristine G. Baker
United States District Judge